Arthur I. Kriss 2398 West 1050 North Hurricane, UT 84737 (435) 635-5466 SEP 1 4 2011

U.S. BANKRUPTCY COURT MARY A. SCHOTT, CLERK

Appearing Pro Se

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re.) Case No.: BK-S-06-10725-LBR
USA Commercial Mortgage) Chapter 11
Company,) RESPONSE TO OMNIBUS OBJECTIONS) OF USACM TRUST TO PROOF OF
Debtor	CLAIM 10725-01874 BASED
Deptor) ENTIRELY UPON INVESTMENT IN THE) HFAH CLEAR LAKE LOAN
)) Date of Hearing September 30,
) 2011
) Time of Hearing: 9:30 AM

INTRODUCTION:

Arthur I. Kriss, Claimant, hereby files this Response to the Objections in Part of the USACM Liquidating Trust to my Claim.

This Claim is based upon the loss of my investment in the amount of \$50,000.00 due to fraudulent actions by USACM, in that 1) they solicited me to make the investment, took my money, and assigned me into a different loan while the loan was in default status, a violation of NRS-645B.310 2. and did not apprise me of the same; 2) USA Investment Partners held an interest in Homes

for America Holdings, Inc. and that those interests were not disclosed to the investors in violation of NRS-645B.185 6. (b) (2); and 3) USACM violated (breached) the provisions of the Loan Servicing Agreement (contract).

The Trustees objections to the Proofs of Claim filed by me 1) that I do not have a completely valid claim because I took a known an obvious risk in making the investment, and 2) that USACM did not guarantee repayment of the loan are completely without substance. I readily acknowledge the risk associated with investments of any kind, and assume those risks, sometimes with trepidation. However, the risks one takes when making an investment also assumes that the broker of the investment is honest, and an independent third party. In the instant case it is a fact that the Broker was/is dishonest and was not an independent third party, in that USA Investment Partners held an interest in Homes for America Holdings, Inc. and that those interests were not disclosed to the investors in violation of NRS-645B.185 6. (b) (2).

An investment is judged on its merits, and USACM was assumed to be an honest broker. I had made several previous investments with USACM which were successful. They were properly licensed by the State of Nevada and there were no notices of impending problems with the business and the business was in apparent good

standing when I made the investments. I contend that the Trustee's first objection is unsubstantiated.

It is further readily acknowledged that USACM did not guarantee repayment of the Notes, and is probably not directly responsible for the default, though when they declared bankruptcy, they announced to the world that they were in trouble and could not be easily sued by their borrowers for any wrongdoing, and that a default by a borrower would probably not be pursued. The fact that the principles of USACM held an undisclosed interest in the borrower [HFAH] probably influenced the decision by USACM to ignore the provisions of the Loan Servicing Agreement requiring action in the event of default. I contend that the Trustee's second objection is unsubstantiated.

STATEMENT OF FACTS:

- 1. The Promissory Note for the loan is dated January 6, 2005. It was made by HFAH Clear Lake LLC, in favor of USACM's Diversified Trust Deed Fund, LLC, Lender. The Mortgage Security Agreement for the Loan was recorded in Palm Beach County, Florida, CFN 20050040083.
- 2. I was not supposed to be an investor in the Diversified Trust Deed Fund. My investment was to be made in a new "First Trust Deed" based upon the USACM Tout Sheet [Exhibit 1] and was funded on March 20, 2006. [Exhibit 2].

- 3. USA/USACM/MIFM did in fact fraudulently assign me into the Diversified First Trust Deed loan by Assignment of Beneficial Interest in Mortgage, CFN 20060238733, on April 26, 2006 [Exhibit 3]. This occurred post-petition, and while USACM was under the management of MIFM.
- 4. I appointed USACM (SPECIAL POWER OF ATTORNEY) ON March 1, 2006 as my "true and lawful attorney" to take certain actions on my behalf [Exhibit 4], basically in accordance with the Loan Servicing Agreement.
 - a. The Power of Attorney [Exhibit 4] was unlawfully used to make the assignment.
 - b. USACM/ did fraudulently and unlawfully assign me into a First Trust Deed Fund loan in default, not a USACM First Trust Deed.
 - c. USACM apparently co-mingled First Deed Investments with those of the USACM First Trust Deed Fund, in violation of NRS-645B.175.
 - d. USACM did violate the provisions of NRS-165B.185 6.(b) (2) in failing to disclose an interest in the debtor.
 - e. USA/USACM/MIFM did breach the contract [Loan Servicing Agreement] Section C. 1 (b) in that they invested my funds into the "USACM First Trust Deed Fund" investment instead of the First Trust Deed investment represented by the Tout Sheet, and did in fact

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unlawfully present my Power of Attorney as authorization for their actions.

- f. USA/USACM/MIFM did breach the contract (LSA) by failing to conform to the provisions of the LSA (contract) concerning their duties and responsibilities to perform certain actions upon default by the borrowers; Breach of Fiduciary Duty, and violations of Nevada law. A Contract (Loan Servicing Agrement) is a legally enforceable Agreement between two or more parties with mutual obligations. The remedy at law for breach of contract and Fiduciary Duty is "damages" or monetary compensation. instant case, because legal action against the offending party is not possible due to the bankruptcy filing, damages cannot be pursued and therefore Claims against the Estate in Bankruptcy Court are the proper forum for recovery.
 - i. The Contract (LSA) specifies certain explicit duties (services) that USA will perform.
 - ii. Re: C. 2. (c) "Until the total amount due under each note is paid in full":
 - (i) Proceed diligently to collect all payments due under the terms of the note "diligently": persevering, the attention and care legally expected or required characterized by steady,

earnest, and energetic application and effort.

- (ii) In the event the Borrower fails to make any payment to USA as required, USA will take steps to collect payment......to fully protect the interests of the Lender, and of all Lenders in the loan.
- g. USA / USACM / Mr. Allison (appointed by the Court on April 17, 2006) had an absolute responsibility to pursue all legal options to protect the Lenders interests in the note and failed to do so. In fact, MIFM/Mr. Allison participated in the fraud perpetuated against me by recording my investment money in a failed loan.
- h. USA/USACM/MIFM did record on May 8, 2006 yet another Assignment of Beneficial Interest CFN 20060271949 [Exhibit 5] to change the beneficial interest of Nancy R. Davis, Trustee of the Nancy R. Davis Defined Benefit Plan to David B. Chaffin. Attached as Exhibit A to the Assignment was a new list of lenders in which I (First Savings Bank, Custodian of the Arthur I. Kriss IRA) is not listed, thereby eliminating my formally recorded interest in the loan. It appears as though the

former interest of Frederick C. Windisch was redeemed when the assignment of his interest was transferred to me.

However, Mr. Windisch interest reappears in the List of Investors with the May 8, 2006 recording. There was apparently much wrong with the processes of recording lender interest under the MIFM management. I would suggest that in an effort to hide the funds collected for the "new" loan, assignments were made to the old (2005) loan, and thereafter were simply confused as MIFM illegally released funds to certain investors for whatever reason.

SUMMARY AND CONCLUSIONS:

This is one messed up loan! Misrepresentations by USACM of the loan being a new loan, which was in fact converted to be a modification of an old loan in default, without approval of the lenders; the confusion of who is an investor and who is not (especially me); the apparent violations by USACM/MIFM in using Powers of Attorney for transactions to try to make things right for the debtor HFAH Clear Lake in which the principles of USACM held an interest; the failure of USACM/MIFM to comply with the terms of the Loan Servicing Agreements to collect on the loan from the Borrower in which they held an interest; or to timely

foreclose or to collect on the Guaranty; collectively add up to 1 a total failure by USA/MIFM to serve the lender. 2 3 I contend that my investment in this loan is or should be in the 4 category of a "secured investment" because of the uncertainty of 5 my status relating to the recorded documents. Therefore, I 6 earnestly appeal to the Court and the liquidating Trustee to 7 immediately convert this Claim back to the category of "Secured 8 Investment" and award me \$50,000.00 from the Estate plus accrued 9 interest at 12% (the basic loan interest rate) for the period 10 beginning March 20, 2006 to the date of the payment. 11 12 I certify the foregoing is true and correct to the best of my 13 knowledge. 14 15 Dated September 10, 2011 16 Respectfully submitted, 17 18 Arthur I. Kriss 19 Copies submitted via US Postal Service to: 20 Lewis & Roca Attn: John Hinderaker and Robert Charles 3993 Howard Hughes Parkway, Suite 600 21 Las Vegas, NV 89169-5996 and via email 22 John Hinderaker jhinderaker@lrlaw.com 23 Robert Charles rcharles@lrlaw.com 24

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[EXHIBIT 1]

USA Capital

The Project:

The property includes a 180-unit apartment complex, with units ranging in size from 775 to 1,080 square feet per unit. The site recently received approvals for 590 new condominium units, which will replace the existing apartments. Homes for America begun taking reservations for the units In October 2005, and currently 199 units have executed contracts. Construction for Phase I is expected to start in second quarter 2006 with an estimated completion date of fourth quarter 2007 and will contain one, 12-story tower containing 107 residential units, one, 16-story tower containing 143 residential units, one, six-story parking garage containing 30 residential loits and 567 parking spaces, and a single story 3,206 square foot club house.

The site is located on Clear Lake in West Palm Beach, Florida, within 5 to 10 minutes from Palm Beach International Airport, The Intercoastal Waterway, Clematis Street District, a large retail shopping mall and many golf courses.

The Developer:

The project is being developed by Homes for America Holdings, Inc. a prior borrower of USA Capital. The company has been involved in the purchase, rehabilitation, and management of nearly 2,000 apartment units primarily in Texas and Florida. Homes for America is currently working on the rehabilitation and stabilization of the historic Colt Arms factory, or Coltsville Heritage Park, in downtown Hartford, Connecticut.

Homes for America has been a borrower of USA Capital since December 1998. In that time USA has funded 14 loans for the company, 7 loans have paid as agreed, and the remaining 7 are all paid current to date.

Guarantees:

The loan will be guaranteed by Homes for America Holdings, Inc. The company has an estimated market value of equity in their existing properties of approximately \$88 million.

USA Capital 702-734-2400

Licensed by the State of Nevada Division of Mortgage Lending USA Commercial Mortgage Company 4484 S. Pecos Rd, Las Vegas NV 89121 License #MB 333 2/10/2006

Money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured. Before investing investors must be provided applicable disclosure.

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[EXHIB.TZ]

March 23, 2006

Arthur I Kriss 2398 West 1050 North Hurricane, UT 84737

Dear Arthur.

USA Capital would like to take this opportunity to thank you for investing in our First Trust Deed program. Your investment of \$50000 in the **HFA-Clear Lake** loan was funded on 03-20-06. You will start earning interest from 03-20-06.

USA Capital continues to underwrite all loans with the same care and diligence we have used since 1989. The interest for this first trust deed investment will be paid on or before the 10th of each month. USA Capital will fully service your investment, including monthly interest, statements, and tax reporting. If you have any questions or comments, please feel free to call (702) 734-2400. Thank you again.

Sincerely,

USA Capital

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Exhibit-3]

When Recorded Return to:

Fidelity National Title

40 N. Central Suite 2850

Phoenix, AZ 85004

Escrow # 04 PHX 0167

RETURN TO:
FIDELITY NATIONAL TITLE
INSURANCE COMPANY
ATTN: WENDY TEAGUE
5690 W. Cypress St., Ste A
Tampa, FL 33607
NAPS / FNT File No

CFN 20060238733
OR BK 20239 PG 0349
RECORDED 04/24/2006 12:14:04
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pg 0349; (1pg)

Notary Public, State of Nevada Appointment No. 96-1080-1 My Appt. Expires May 9, 2007

.2031 79

ASSIGNMENT OF BENEFICIAL INTEREST IN Mortgage

FOR VALUE RECEIVED, THE UNDERSIGNED ("Assignor") hereby grants, assigns, sets over and transfers to First Savings Bank Custodian For Arthur I. Kriss IRA("Assignee"), Fifty Thousand Dollars (\$50,000) of Assignor's undivided beneficial interest in the Mortgage (as defined below). As used herein, "Mortgage" shall mean that certain Mortgage, Security Agreement and Assignments of Rents (the "Mortgage") dated 6th day of January, 2005, by and between HFAH Clear Lake LLC, a Florida limited liability company, ("Mortgagor"), and those persons listed on Exhibit "A" thereto ("Mortgagee"). The Mortgage was recorded on January 21, 2005 as Document No. 20050040083, Book No. 18043 page 1448, in the Official Records of Palm Beach County, Florida.

This Assignment is made together with the Note or Notes therein described or referred to therein, the money due or to become due thereon, together with interest and rights accrued or to accrue under said Mortgage.

DATED this 21 day of MARCH ASSIGNOR: Frederick P. Windisch Trustee of the Windisch 1998 Living Trust Trustee STATE OF COUNTY OF 2006, before me, On a Notary Public in and for said State, personally appeared Frederick P. Windisch Trustee of the Windisch 1998 Living Trust, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument. WITNESS my hand and official seal (Seal) Signature T. A. STEWART

EXHIBIT "A"

LENDERS

Amount

NAME			

Ali M. Abyane & Soheila M. Abyane Trustees of the Abyane Family Trust dated 2/7/92	\$50,000.00
Daniel C. Altman & Barbara A. Altman Trustees of the Altman Living Trust dated	\$150,000.00
Charles B. Anderson Trustee of the Charles B. Anderson Trust	0100 000 00
Rita P. Anderson Trustee For the Benefit of Rita P. Anderson Trust	\$100,000.00
Lawrence J Aronson & Henrietta Aronson, husband & wife as joint tenants with rights	\$100,000,000
of survivorship	\$100,000.00
Michael K. M. Au, a married man dealing with his sole and separate property	\$50,000,00
Daniel C. Barcia, a married man dealing with his sole & separate property	\$50,000.00
Lidia Bazzoli & Daniela Bazzoli-Ferrari, joint tenants with right of survivorship	\$50,000.00
Jack J. Beaulieu Trustee of the Jack J. Beaulieu Revocable Living Trust dated 9/1/94	\$150,000.00
Kenneth R. Becker & Joanne T. Becker, husband & wife, Grace Becker & Sarah	\$100,000.00
Becker, their minor children with right of survivorship	0100,000.00
Larry E. Bell & Garnet F. Bell, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Joseph C. Bellan & Verna J. Bellan Trustees of the Joseph C. Bellan & Verna J. Bellan Revocable Living Trust dated 2/4/00	\$50,000.00
David P. Betteridge, a single man	
/irgil L. Birgen & La Donna F. Birgen Trustees of the Birgen Charitable Trust dated	\$60,000.00
71/90	\$100,000.00
rgil Leo Birgen & La Donna Frances Birgen Trustees of the Birgen Family Trust	\$50,000.00
Gerald L. Bittner, Jr. DDS Profit Sharing Plan	\$75,000.00
ene C. Blanchard Trustee of the Rene C. Blanchard Charitable Remainder Trust dated	\$100,000.00
/6/04	\$200,000.00
tene C. Blanchard Trustee of the Rene C. Blanchard Revocable Living Trust dated	\$50,000.00
714/73	
Villiam Bolding & Carolyn Bolding, husband & wife, as joint tenants with right of	\$50,000.00
rvivorsnip	
ames R. Bonfiglio & Donna M. Bonfiglio General Partners of the Broadwalk	\$100,000,00
vestments Limited Partnership	2704000400
ohn S. Borkoski & Kathleen Borkoski, husband & wife, as joint tenants with rights of	\$50,000.00
n At AO12111b	\$50,000.00
harles E. Borom & Lanna G. Borom, husband & wife, as joint tenants with right of	\$50,000.00
rvivorsnip	\$30,000,00
aymond Brahy & Rita Brahy, husband & wife, as joint tenants with right of	\$100,000.00
TVVOISIP	\$100,000,00
hn S. Broders, an unmarried man	\$50,000.00
oward D. Brooks & Doreen C. Brooks Trustees of the Brooks Living Trust dated	\$50,000.00
50/9/	#20,000,00
rst Savings Bank Custodian For Edward Burgess IRA	\$75,000.00
ter W. Capone & Deidre D. Capone, husband & wife, as joint tenants with right of	
rvivorship	\$100,000.00

James B. Cardwell & Reba Jo Cardwell Trustees of the Cardwell Family Trust	\$405,000.00
James B. Cardwell Trustee of the Cardwell Charitable Trust	\$350,000.00
Sterling Trust Company Custodian for Richard F. Casey III, IRA #086082 Alta Funding, Inc., a Florida corporation	\$50,000.00
Maurice A. Cauchoir & Joannaline M. Couchoir T. A. Call M. C. Cauchoir & Joannaline M. Couchoir T. A. Call M. C. Call M.	\$100,000.00
Maurice A. Cauchois & Jacqueline M. Cauchois Trustees of the M & J Cauchois Family Trust dated 2/25/93	\$50,000.00
Ronald Norman Cazier & Karen Rae Cazier Trustees of the Ronald Norman Cazier &	
Karen Rae Cazier Family Trust dated 3/9/00	\$50,000.00
A. William Ceglia, a married man dealing with his sole & separate property	6110.000.00
David B. Chaffin, MD and Renee A. Chaffin, Trustees of the David B. & Renee A.	\$110,000.00
Chaffin Family Trust dated 2/27/02	\$50,000.00
Tony Chamoun & Carmen Chamoun, husband & wife, as joint tenants with right of	\$50,000.00
survivorship	\$30,000.00
Kar Sei Cheung, a married woman dealing with her sole & separate property	\$50,000.00
Donald P. Clark Trustee of the Donald P. Clark Family Trust dated 10/25/94	\$100,000.00
ack R. Clark & Linda C. Reid, husband & wife, as joint tenants with right of	\$50,000.00
urvivorship	400,000.00
George S. Cohan Trustee of the George S. Cohan & Natalie H. Cohan Family Trust	\$200,000.00
lated 4/1/03	3-30,500,00
irst Savings Bank Custodian For Peter C. Cranston IRA	\$60,000.00
Gary W. Crowe & Susan R. Crowe Trustees of the Crowe 1989 Family Revocable Trust	\$100,000.00
ated 6/29/89	
Wen Dai & Zhimin Chen, wife & husband, as joint tenants with the right of survivorship	\$50,000.00
Mark A. Daniel and Cathy A. Daniel, Trustees of the Daniel Living Trust as amended ated 1/9/98	\$50,000.00
aura Dashosh, an unmarried woman	
	\$50,000.00
Martin A. Davis & Virginia Lee Davis Trustees of the Davis Family 2000 Trust & P Davis Limited Partnership, a Texas Partnership	\$100,000.00
racy A. DeBerry, an unmarried man	\$50,000.00
ames D. Dery & Ann R. Dery, husband & wife	\$50,000.00
ennis A. DeVito, a married man	\$75,000.00
ric C. Disbrow Trustee of the Eric C. Disbrow MD Inc. Profit Sharing Plan	\$250,000.00
rthur T. Donaldson, a married man dealing with his sole & separate property	\$50,000.00
fieko Donovan & Richard Donovan, as joint tenants with right of survivorship	\$300,000.00
anagiotis Dovanidis, a single man & Dimitra Dovanidou, a married woman dealing	\$100,000.00
ith her sole & separate property, as joint tenants with right of survivorship	\$50,000.00
aniel T. Drubin & Laura Drubin, husband & wife, as joint tenants with right of	
rvivorship	\$100,000.00
ary Ann Earp, a single woman & Mary H. Earp, a married woman dealing with her	
le & separate property, as joint tenants with right of survivorship	\$60,000.00
hwartz & Earp Joint Venture	### 000.00
lan R. Eisenbach & Jayne M. Eisenbach, husband & wife, as joint tenants with right	\$57,000.00
survivorship	\$100,000.00
ott J. Elowitz, a married man dealing with his sole and separate property	\$50,000,00
David R. Enrico & Dr. Bonny K. Enrico, husband & wife, as joint tenants with right	\$50,000.00 \$95,000.00
survivorsnip	\$23,000.00
ank E. Ensign, a single man	\$50,000.00
spar H. Escher, Jr., an unmarried man	
Ham II P	
Illiam H. Favro & Carol M. Favro Trustees of the Favro Trust dated 9/14/00 rry Fernandez Trustee of the Fernandez Family Trust dated 6/20/84	\$100,000.00 \$50,000.00

<u></u>	Amou
First Savings Bank Custodian For R. David Ferrera IRA	\$50,000.0
R. David Ferrera Trustee of the Sacramento Research Medical Group Defined Benefit	\$50,000.0
Pension Plan	
First Savings Bank Custodian For Lynn Fetterly IRA	\$70,000.0
Lewis H. Fine & Arlene J. Fine, husband & wife	\$80,000.0
Daniel K. Fix & Barbara J. Fix Trustees of the Daniel K. Fix & Barbara J. Fix Family Trust	\$250,000.00
Anne Flannery, an unmarried woman	\$50,000.00
Dennis Flier Trustee of the Dennis Flier, Inc. Defined Benefit Trust dated 6/29/87	\$100,000.00
David Fossati, a single man	\$160,000.00
Robert Geiger & Ruth Geiger, husband & wife	\$50,000.00
Stanley C. Germain & Dorothy Germain, husband & wife, as joint tenants with right of	\$50,000.00
survivorship	330,000,00
Gale Gladstone-Katz Trustee of the Gale Gladstone-Katz Revocable Living Trust dated 12/10/03	\$50,000.00
Barry J. Goldstein & Patricia B. Goldstein, as joint tenants with right of survivorship	\$50,000.00
Robin B. Graham & Celia Allen-Graham Trustees of the Graham Family Trust detect	\$100,000.00
10/26/78	3100,000.00
First Savings Bank Custodian For Michael H. Greeley IRA	\$50,000,00
Michael H. Greeley Trustee of the Michael Greeley Trust dated 7/27/00	\$50,000.00
First Regional Bank Custodian For Clarence J. Greenwald IRA #69003263337	\$50,000.00
Kim W. Gregory & Debbie R. Gregory Trustees of the Gregory Family Trust of 1988	\$70,000.00
inge Grist, an unmarried woman	\$50,000.00
Christian Hansen, a single man	\$55,000.00
Edwin C. Hansen & Rachel M. Hansen, joint tenants with right of survivorship	\$100,000.00
MLH Family Investment Limited, a Texas company	\$130,000.00
Curt Harms & Sandra Harms, husband & wife, as joint tenants with right of survivorship	\$100,000.00
Kay J. Hart, an unmarried woman	\$50,000.00
Edwin L. Hausler, Jr., Trustee for the Edwin Lowell Hausler, Jr. Living Trust dated	\$100,000.00
73/92	\$50,000.00
Simberly Havins Trustee of the Paepae Estate Trust dated 05/01/00	\$80,000.00
Michael T. Heffner & Barbara C. Heffner Trustees of the Heffner Family Trust dated /10/02	\$100,000.00
felms Homes, LLC, a Nevada limited liability company	
erry Helms Trustee of the Terry Helms Living Trust dated 11/11/94	\$550,000.00
ay E. Henman Trustee of the Jay E. Henman Retirement Plan	\$100,000.00
irst Trust Co. Of Onaga Custodian For Brenda J. High IRA	\$50,000.00
irst Trust Co. Of Onaga Custodian for Hamilton M. High IRA	<u>\$71,000.00</u>
irst Savings Bank custodian for Shellie Hilgenberg IRA	\$66,000.00
harles D. Hopson Trustee of the Charles D. Hopson Living Trust dated 2/20/96	\$50,000.00
lila Horak, an unmarried woman	\$100,000.00
odney C. Hulse and Cathryn J. Hulse, trustees of the Hulse Family Trust	\$50,000.00
arole Jaffe In Trust For Ken M. Jaffe & Amy Jaffe-Rosen	\$50,000.00
bert G. Johnson Jr. & Norma J. Johnson Trustees of the Johnson Family Trust dated	\$50,000.00
17/98	\$60,000.00
elbert T. Johnston, Jr. & Rebecca J. Johnston Trustees of the Johnston Estate evocable Trust dated 5/17/94	\$50,000.00
verett H. Johnston Trustee of the Everett H. Johnston Family Trust dated 1/24/90	
onald A. Kantor and Ruth E. Kantor, Trustees of the Kantor Family Trust, dated	\$100,000,00

NAME		

Amount

Walter Klevay & Gail Klevay, husband & wife Anna S. Knobel Trustee of the 1996 Knobel Trust dated 9/5/96	\$50,000.0
Guenther A. Kohler & Elector K. et al. T.	\$50,000.0
Guenther A. Kohler & Elfriede Kohler Trustees of the 1989 Kohler Living Trust dated 6/13/89	\$200,000.00
First Savings Bank Custodian For Arthur I. Kriss IRA	### ### ### ### ### ### ##############
Lammert Kuiper, Jr. & Audrey H. Kuiper Trustees of the Kuiper Trust	\$50,000.00
Michael LaTorra & Joan LaTorra, husband & wife, as joint tenants with right of	\$50,000.00
survivorship	\$75,000.00
Jose M. Lanzas & Gladys Lanzas, husband & wife, as joint tenants with right of survivorship	\$20,000.00
Suzanne N. Liewer Trustee of the Suzanne Liewer 2000 Revocable Trust dated 1/18/00	CEO 000 00
Verusio Solutions, LLC	\$50,000.00
Brant C. Lyall and Kathy J. Lyall, husband and wife, as joint tenants with right of	\$75,000.00
survivorship	\$50,000.00
Helen C. Makepeace Trustee of the Helen C. Makepeace Survivor's Trust UAD 06/18/97	\$50,000.00
Famira A. Mamuad, a married woman as her sole and separate property	\$25,000.00
Albert Manuel, Trustee of the Gilbert Manuel Living Trust dated 1/3/92	\$50,000.00
K & Associates, a Minnesota company	\$50,000.00
Dale J. McMullan Trustee of the McMullan Living Trust dated 8/19/94	\$50,000.00
Cosemarie L. McMullin, as her separate property under the Phillip E. McMullin &	\$50,000.00
Rosemarie L. McMullin Family Trust dated 4/4/80 & arnmended 3/19/94	,
David R. McPherson & Susan McPherson, husband & wife, as joint tenants with right of urvivorship	\$50,000.00
fichaelian Holdings, LLC, a Nevada limited liability company	\$50,000.00
ary A. Michelsen, an unmarried man	\$50,000.00
irst Trust Co. Of Onaga Custodian For Karen S. Moberly IRA	\$25,000.00
Matthew Molitch Trustee of the Molitch 1997 Trust	\$50,000.00
fonighetti, Inc., a Nevada corporation	\$50,000.00
onald K. Montesano Trustee for the benefit of The Underpass Trust	\$50,000.00
rieda Moon Trustee of The Decedent's Trust of the Restated Moon 1987 Irrevocable rust dated 6/12/87	\$50,000.00
aula A. Morgan Trustee of the P. Morgan Trust dated 7/1/88	\$50,000,00
amoine Murray & Lois H. Murray, husband & wife, as joint tenants with right of	\$50,000.00
rvivorsnip	\$50,000.00
unity Trust Company Custodian For the Benefit of the Fred G. Neufeld IRA	\$50,000.00
aniel D. Newman Trustee of the Daniel D. Newman Trust dated 11/1/92	\$70,000.00
chard A. Nielsen Incorporated Profit Sharing Plan	\$100,000.00
obert L. Ogren Trustee for the benefit of the Robert L. Ogren Trust dated 6/30/92	\$60,000.00
avid M. Olds & Sally W. Olds, husband & wife, as joint tenants with right of	\$50,000.00
Irian J.R. Oosthuizen, a married man dealing with his sole & separate property Illiam J. Ovca, Jr. Trustee of the Ovca Associates, Inc. Defined Pension Plan	\$50,000.00
gxiu Jason Pan, a married man dealing with his sole & separate property	\$50,000.00
nthia Ann Pardee Trustee of the Cynthia Ann Pardee Trust dated 6/20/03	\$130,000.00
arles Lebron Parker & Mary Jane Parker, husband & wife, as joint tenants with right	\$50,000.00
sui vivoisiip	\$50,000.00
jave Canyon, Inc., a Nevada Corporation; J.B. Partain, President	
mon Peress & Hannah Peress Trustees of the Shimon Peress & Hannah K. Peress	\$150,000.00

NA	ME
, ,,	1-1-2

Amount

Betty J. Phenix, a married woman dealing with her sole & separate property	\$50,000.00
Karen L. Pidgeon Trustee of the Karen L. Pidgeon 2006 Living Trust dated 2/27/2006	\$100,000.00
Charles Pollard Jr., a married man dealing with his sole & separate property	\$50,000.00
Morton J. Port, a married man dealing with his sole & separate property	\$50,000.00
Prescia Investments, LLC a Nevada Company, Anthony Prescia and Nancy Prescia Managers	\$75,000.00
Alexander P. Rayment & Maria A. Rayment	\$25,000.00
mil Reynolds & Anna Reynolds, husband & wife	\$50,000.00
First Savings Bank Custodian For Manuel G. Rice IRA	\$50,000.00
arry L. Rieger & Patsy R. Rieger Trustees of the Larry L. Rieger & Patsy R. Rieger	\$120,000.00
Revocable Trust dated 8/14/91	<u> </u>
Harvey Andrew Rineer III Trustee for the Harvey Andrew Rineer III Trust UTA dated	\$50,000.00
Cassandra J. Robbins, an unmarried woman	\$50,000.00
Man Robinson & Gail Robinson, husband & wife, as joint tenants with right of	\$100,000.00
leanor L. Rogers Trustee of the Eleanor L. Rogers 1991 Revocable Living Trust dated	\$200,000.00
/3/91	4240,000100
tuart M. Rosenstein & Deborah H. Rosenstein, husband and wife as joint tenants with	\$50,000.00
ghts of survivorship	,
ee Rotchy Trustee of the Lee Rotchy Trust dated 12/5/00	\$50,000.00
ichard J. Ryan Trustee of the Ryan 1999 Revocable Living Trust dated 11/15/99	\$50,000.00
urton M Sack Trustee of the David A Sack Irrevocable Trust dated 3/28/94	\$100,000.00
urton M Sack Trustee of the Scott A Sack Irrevocable Trust dated 3/18/94	\$100,000.00
avid Sailon & Joan Sailon, husband & wife, as joint tenants with right of survivorship	\$50,000.00
oward Samsen & Vera Samsen, husband & wife, as joint tenants with right of arvivorship	\$50,000.00
lius Schmidt Trustee of the Schmidt Family Trust	\$50,000.00
avid W. Schroeder, a single man	\$50,000.00
ouglas Gregg Schulze & Doreen L. Schulze, husband & wife, as joint tenants with	\$80,000.00
ght of survivorship	
ilton B. Senfeld & Barbara A. Senfeld, husband & wife, as joint tenants with right of	\$50,000.00
avid W. Sexton & Pamela K. Sexton, husband & wife, as joint tenants with right of	
rvivorship	\$50,000.00
arion C. Sharp Trustee of the Marion C. Sharp Trust	\$50,000.00
onald Sharpe, a single man	
ollie Shoichet, a married woman & Henrietta Aronson, a married woman, as joint	\$25,000.00 \$100,000.00
nants with rights of survivorship	3100,000.00
onald E. Shoup & Sharon K. Shoup, husband & wife, as joint tenants with right of	\$100,000.00
vivorship	***************************************
an R. Simmons & Judith B. Simmons, husband & wife, as joint tenants with right of vivorship	\$50,000.00
mard Sindler Trustee of the B S Living Trust	\$50,000.00
ra Sindler, dealing with her sole and separate property	\$50,000.00
incesco Soro	\$50,000.00
from H. Sprindle & Verne D. Sprindle hast and R. C.	\$50,000.00
fton H. Spindle & Verna R. Spindle, husband & wife, as joint tenants with right of	
vivorship A. Stevenson Trustee of the Dalton Trust dated 1/7/94	330,000.00

NAME

NAME	Amount
Michael D. Stewart & Mary Jude Stewart Trustees of the Stewart Family Trust dated 1/15/98	\$100,000.00
Harold Sturza, an unmarried man transfer on death to Elyse Smerling, a married woman	\$50,000.00
Louis C. Swilley, an unmarried man	\$50,000.00
Evalyn C. Taylor Trustee of the Evalyn C. Taylor Separate Property Trust dated 2/17/87	\$100,000.00
KTaylorGO Investments, LTD, a Texas company	\$100,000.00
First Savings Bank Custodian For Jacqueline ThurmondIRA	\$50,000.00
Sigmund L. Tomczak & Diana Tomczak Trustees of the Tomczak Family Trust dated 4/25/83	\$75,000.00
Richard R. Tracy & Ursula W. Tracy, husband & wife, as joint tenants with right of survivorship	\$50,000.00
Richard R. Tracy Trustee of the Reno Aeronautical Corporation Defined Benefit Retirement Plan	\$75,000.00
Carlos A. Trujillo, A single man	\$120,000.00
Pensco Trust Company Custodian For Robert William Ulm IRA	\$60,000.00
USA Commercial Real Estate Group	\$50,000.00
USA Capital Diversified Trust Deed Fund	\$141,000.00
Gloria Valair, a single woman	\$50,000.00
Lloyd F. Van Sickle Trustee of The Van Sickle Family Trust dated 5/20/99	\$100,000.00
Roy R. Ventura, Jr. & Nancy B. Ventura, husband & wife, as joint tenants with right of survivorship	\$30,000.00
Melody J. Violet, an unmarried woman	\$50,000.00
Madeline P. Von Tagen Trustee of the Von Tagen Trust dated 5/2/96	\$50,000.00
leinrich Richard Weber & Brigitte S. Weber, husband & wife, as joint tenants with	\$150,000.00
ight of survivorship	4.50,000.00
Diana F. Weiland Trustee for the benefit of Gerald R. Weiland & Diana F. Weiland rust	\$60,000.00
irst Savings Bank Custodian for Tina M. Wener IRA	\$50,000.00
Connie Westbrook, an unmarried woman	\$50,000.00
arton R. Wilkinson & Dianna J. Wilkinson, husband & wife, as joint tenants with the ght of survivorship	\$70,000.00
hirley Mae Willard Trustee of the Willard Family Trust	\$100,000.00
K Wolfe Family, LP, a Nevada limited partnership	\$50,000.00
enneth H. Wyatt & Phyllis P. Wyatt Trustees of The Kenneth H. & Phyllis P. Wyatt amily Trust	\$50,000.00
oseph G. Zappulla & Carol A. Zappulla, husband & wife, as joint tenants with right of arvivorship	\$100,000.00
nthony J. Zerbo, an unmarried man	\$50,000.00
erry A. Zimmerman Trustee of the Terry Audbrey Zimmerman Living Trust dated	\$100,000,00
Exhibit 'A' for 206 people with a total \$ value of	\$16,050,000.00

[Exhibit 4]

Investor: First Savings Bank Custodian For Arthur I. Kriss IRA

SPECIAL POWER OF ATTORNEY

The undersigned, does hereby appoint USA Commercial Mortgage Company my true and lawful attorney to perform services related to the following loan in which I own a beneficial interest. A loan is being made to **HFAH-Clear Lake, LLC** (the "Borrower") in an amount up to Sixteen Million, Fifty Thousand Dollars (\$16,050,000). In connection with the Loan, the Borrower executed a promissory note (the "Note") and a Mortgage, Security Agreement and Assignment of Rents (the Mortgage") to Fidelity Title Company as Trustee, in favor of Lender as beneficiary. The Mortgage was dated as of January 6, 2005 and recorded on January 21, 2005 as Document No. 20050040083 in the Official Records of Palm Beach County, Florida. Capitalized terms used herein and not otherwise defined herein are used with the meanings given them in the Note and Mortgage.

The services to be performed are described below:

- a. To ask, demand, sue for, recover, collect and receive each and every sum of money, debt, account and demand, (which is now due or hereafter shall become due, owing and payable) belonging to or claimed by it in connection with the Loan, and to use and take any lawful means for the recovery thereof by legal process or otherwise, and to execute and deliver a satisfaction or release therefor;
- b. To exercise any or all of the following powers as to the Mortgage, and the real property and personal property encumbered thereby:
 - (1) To execute and deliver notices of default under the Mortgage,
 - (2) To execute and deliver notice(s) of breach and election to sell and all other necessary documents in connection with a trustee's sale under the Mortgage,
 - (3) To execute and deliver full and/or partial reconveyances of the Mortgage upon the payment therefor to the undersigned, as required by the Mortgage, which payments to the undersigned are to be made directly to the undersigned, in proportion to their respective interests, and not to said attorney-infact; and
 - (4) In the event of a foreclosure of the Mortgage, to sell the real property for the satisfaction of the indebtedness secured by it;
 - (5) To execute any and all the subdivision map(s) affecting the real property encumbered by the Mortgage; and to execute any certificates or documents to permit the recording of covenants, conditions, and restrictions of record (CC & R's) affecting the real property encumbered by the Mortgage, or any amendments or revocations thereof, that are appropriate or necessary for the development of the real property;

Investor: First Savings Bank Custodian For Arth	ur I. Kriss IRA
WITNESS MY HAND thisday of	March , 2005
LENDER: First Savings Bank Custodian For Arthu	r I. Kriss IRA
Exteri Ban	Chiele
Arthur I. Kriss	Custodian, FSB Christinia Fridle
	Christina Fridle
COUNTY OF Washington) ss.	
On March 1st 2005 hefore me	Tyler Endsler , a Notary
Public in and for said State, personally appeared Arth to me on the basis of satisfactory evidence) to be the prinstrument, and acknowledged to me that he executed by his signature on the instrument, the person or the	our 1. Kriss personally known to me (or proved person whose name is subscribed to the within the same in his authorized capacity, and that
executed the instrument.	
WITNESS my hand and official seal.	
1. le Todden	
Notary Signature	The state of the s
STATE OF NU	
COUNTY OF (Clark)	
On Mar 3, 2004 before me, Public in and for said State, personally appeared Cl	Susan O'Conner, a Notary
Bank as custodian personally known to me (or prove	ed to me on the basis of satisfactory evidence)
to be the person whose name is subscribed to the with she executed the same in her authorized capacity, an	d that by her signature on the instrument the
person or the entity upon behalf of which the person	acted, executed the instrument.
WITNESS my hand and official seal.	SUSAN O'GONINOR
Susan O'Connor	NOTARY PUBLIC STATE OF NEVADA Date Appointment Exp. 06 07-9009 Certificate No: 05-97342-1
Notary Signature	Communication

	MATURN 10: FIDELITY NATIONAL INSURANCE COMPA	NY		
When Recorded Return to	Delich at Children and an		CEN_20040	271949
Fidelity National Title	Temps, FL 13667 NAPS / FINT File No. 1	1104-04-38	HECORDED 05/08/	
40 N. Central	There is to the second		Pain Beach Cou Sharon R. Bock: Pss. 1370 - 137	CLERK & COMPTROLLER
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Phoenix, AZ 85004 Eszew # 04- PHY-	<u>0167</u> 1000		/ 4 4	
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ه در ا		MOUN	rest Charl	good
10P		7000		i.
A COT	CNMENT OF	BENEFICIAL I	NIEREST	
		Mortgage		
FOR VALUE ARCRIT	/ED, THE UNDERS	GNED ("Anigner") here	by grants, assigns, sets over an b Renes A. Cheffin Family 1	zi transfors
to Devid B. Chaffin, 186D. and	Rende A. Commi, 1 	0) of Amignor's undivid	el beneficial interset in the M	ortgage (as
of Razia (the "Mortgage") high highlity company, ("Mortgage recorded on James 21, 2005	and those persons	listed on Rubibit "A" the	goto ("Mortgages"). The Mo	rigage was Records of
recorded on Jamusty 21, 2005 (Paim Beach County, Florids.	The second	10010003, 2004 1.0. 107		
This Assignment is an	acle partitles with the	Note or Notes therein de	scribed or referred to therein,	the mosey
due or to become due thereon.	together this interest	and rights accrued or to	socrue under said Mortgage.	1 · · · · · · · · · · · · · · · · · · ·
DATED this (L day	e Marine	<u>,</u> 2006.		
ASSIGNOR: No	mey R. Davis Projec	of the Nancy R. Davis	Defined Benefit Plan	
Name R. King) <u> </u>		!:
Amcy R. Davis Trus				
STATE OF NU	}			
COUNTY OF MANAGE		α	_	
-1/	, 2006, before t	- Flamburd	a Notary Publ	ie in and for
way: 2990' BEHORMA shhows	d Nancy B. Davis I	Crystes of the Plancy St. Sectory evidence) to be th	o becross supose trame se supe Distant material incimits vari	cribed to the
known to me (or proved to me within instrument, and soleno- his/her signstare on the instr	wiedged to me that is	whe executed the same in the easier when behalf	a his/her sutherised capacity. of which the person acted, t	meetaled the
his/her signature on the tract instrument.	district the besself -	-	P. LONGARDS	1
WITNESS my hand and offic	ial seal.		Notice Public - State of House's	1:
Ola A	A 5		No. 44(52) - Bains Jan 12, 200]
1. number	<u> </u>			1; 1;
Signature		المالة المحادث مناول ال		- _i
			P. LOMBARDI Notery Public - State of Nevedo	:
			Appointment Percented to Visualian County	1

HFA Clear Lake 1 5/8/06

EXHIBIT "A"

/	•
30	
HETA- Clear Late	
Cloer Leite	
\nearrow	
NAMES AND ASSOCIATION OF THE PARTY OF THE PA	Amount
Ali M. Abyane & Sobella M. Abyane Treatess of the Abyane Family Trust dated 2/7/92	355,000,00
Deniel Alman & Barbars A. Alman Trustees of the Alman Living Trust dend	\$1.50,000.00
11/4/04	\$134,000.00
Charles B. Aptilition Trustee of the Charles B. Anderson Treat	\$100,000,00
Rin P. Anderson Trustee For the Benefit of Rin P. Anderson Trust	
Bert E. Arnkest-States of the Bert B. Arnhand Charitable Remainder Unitrust dated	\$199,000.00
Part E. Arthuric Sylanov of the Bert D. Arthuric Charleson Amelianus Uniorus camp. 12/31/01	\$66,000.00
Lawrence J Aronage & Honrietta Aronson, hunband & with as joint tennate with rights	\$100,000.00
of nurvivorable	
of survivorship Michael K. M. Au, a specified man dealing with his sole and separate property Dasiel C. Bernin, a married libra dealing with his sole & separate property	350,000.00
	\$96,000,00
Lidia Bassoll & Dunisia Lagibal Persart, joint teasure with right of survivorable	550,650,56
Jack J. Beaulier Treater of the lack J. Beaulier Revocable Living Trust dated 9/1/94	\$1.50,000.00
Jack J. Bosslice Treater of the Joseph J. Begalles Revocable Living Treat dated 9/1/94 Kerneth R. Beoleer & Joseph J. Becker, husband & with, Grace Beoker & Sarah	\$100,000.00
Becker, their minor children veltävitalet of servivorship	•
Larry E. Bell & Garnet F. Bell, Hatthey & wife, as joint tenants with right of	\$100,000.06
survivorship	•
Joseph C. Beilun & Verna J. Beilan Trajeces of the Joseph C. Heling & Verna J. Beilan	252,000,00
Joseph C. Bellan & Veran J. Bellan Trajects of the Joseph C. Bellan & Veran J. Bellan Revocable Living Trust dated 2/4/00	,
David P. Betturidge, a single man	\$69,000.00
Virgil Leo Birgen & La Donne Frances Birgen Trustees of the Birgen Family Trust	590,000,00
Virgil L. Birgen & La Donne F. Birgen Trustein of the Birgen Cheritable Trest dated	\$100,000,00
\$/1/90	Q233,03030
Gerald L. Bittner, Jr. DDS Profit Sharing Plan	\$75,000,00
Rene C. Blanchard Trustee of the Rane C. Blanchard Revocable Living Trust dated	350,000,00
2/14/73	anishtarian.
Rene C. Bianchard Trustee of the Rene C. Blanchard Charitable Remainder Trust dated	5199,800.00
	- At-alled the
5/6/04 William Bolding & Carolyn Bolding, husband & wife, as joint tenants with right of	\$50,000.00
	spirites a
survivorship James R. Bonfiglio & Donne M. Bonfiglio General Partners of the Broadwalk	3100.000.00
	27.00/040:30
Investments Limited Partnership	400.000
John S. Borkocki & Kathleen Borkoski, husband & wife, as joint tenants with rights of	\$50,000.00
survivorabip	
Charles E. Borom & Lanna G. Borom, husband & wife, as joint tenants with right of	\$50,000.00
survivorship	
Raymond Brahy & Rita Brahy, husband & wife, as joint tenents with right of	\$166,000,00
survivorship	
John S. Brodera, an unmarried man	\$\$0,000,00
Howard D. Brooks & Dorcea C. Brooks Trustees of the Brooks Living Trust dated	\$50,000.00
6/30/97	
First Savings Bank Custodian For Edward Burgess IRA	\$75,909.00
• • • • • • • • • • • • • • • • • • •	

NAME	Amount
Peter W. Capone & Deidre D. Capone, husband & wife, as Joint tenants with right of	3100,000.00
Junga B. Cardwell Trustee of the Cardwell Charitable Trust	1345 AGA AG
June B. Cardwell & Roba Jo Cardwell Trustees of the Cardwell Family Trust	\$359,009.00 \$493,009.00
Spiriting Trust Company Custodism for Richard F. Cassy III, IRA #086082	350,000,00
Alta Publing, Inc., a Florida composition	\$199,000.00
Ministry A. Cauchois & Jacqueline M. Cauchois Trustees of the M & I Cauchois Family Trust level 2/24/93	\$50,000.00
Round Nobian Cazier & Karen Rac Cazier Trustees of the Round Norman Cazier & V Karen Ray, Cazier Family Trust dated 3/900 A. William Cohlin, a married man dealing with his sole & separate preparty	\$50,000.00
A. William Chille, a married man dealing with his sole & separate presenty	\$110,000.00
David B. Chaffill, MD and Rence A. Chaffin, Trustees of the David B. & Rence A. Chaffin Family, Trust dated 2/27/02	\$50,000.00
Tony Chamoun & Carmen Chamoun, husband & wife, as joint seasure with right of survivership	\$50,000.00
Kar Sei Choung, standing woman dealing with her sole & separate peoperty	350,000,00
Donald P. Clark Trustage of the Donald P. Clark Family Trust deted 10/25/94	\$160,000.00
Jack R. Clark & Linda C. Baid, husband & wife, as joint teams with right of survivorship	\$50,000.00
George S. Cohan Tronne of His George S. Cohan & Natalie H. Cohan Family Trust dated 4/1/03	\$200,000.00
First Savings Bank Custodier PicPeter C. Cransess IRA	\$60,000.00
Gery W. Crowe & Sound R. Charle Trustees of the Crowe 1989 Family Revocable Trust	31,00,000,00
Wen Dui & Zhimin Chen, with & huphand, as joint tenests with the right of survivorship	550,000,00
Mark A. Daniel and Cathy A. Daniel. Thates of the Daniel Living Treet as smended dated 1/9/98	\$50,000.00
Taura Dashoek an instruction Worten	190,000.00
Martin A. Devis & Virginia Lee Devis/Plagaton of the Davis Family 2000 Trust	\$166,008.00
S & P Davis Limited Partnership, a Texas Rigonarship	\$30,000.00
Tracy A. Dellerry, an unequiried man	\$50,000.00
James D. Dery & Ann R. Dery, husband & wife	\$75,000.00
Dennis A. DeVito, a married man	3250,000.06
Eric C. Dishrow Trustee of the Eric C. Dishrow MD Inc. Profit Sharing Place	\$90,000.06
Arthur T. Donaldson, a married man deating with his sole & separate property	5366.064.00
Micho Donovan & Richard Donovan, as joint tenants with right of survivorship	3100,000,00
Panagiotis Dovanidis; a single man & Dimitra Dovasidou, a married woman dealing with her sole & separate property, as joint tenants with right of servivocatip	\$50,000.00
Daniel Drubin & Laura Drubin, husband & wife, = joint meants with right of survivorship	\$100,000.00
Mary Ann Emp, a single woman & Mary H. Earp, a married woman dealing with her sole & separate property, as joint towards with right of survivorship	\$60,000.00
Schwartz & Barp Joint Venture	357,000,00
Albat R. Eisenbach & Jayne M. Eisenback, basband & wife, as joint tenants with right	\$190,000.00
of survivorship Scott J. Blowitz, a married man dealing with his sole and separate property	222 442 24
Dr. David R. Enrico & Dr. Bonny K. Enrico, husband & wife, as joint tenants with right	250,000,00 395,000,00
of survivorship	\$50,000.00
Frank E. Ensign, a single man Casper H. Escher, Jr., an unenseried man	\$100,000.00
Carper II. Estate, Jr., an preparation pres	21.44.44A.44

NAME	Amount
William H. Favro & Carol M. Favro Trustees of the Favre Trust deted 9/14/00	\$50,000.00
Party Fernandez Trustee of the Fernandez Fernity Trust dated 6/20/24	\$1,000,00
First Savings Bank Custodian For R. David Festers IRA	351,000,00
R David Ferrers Trustee of the Sacramente Research Medical Group Defined Benefit	\$58,000,00
Planton Plan	•
Piret Agenting Bank Custodiest For Lyon Festerly IRA	576,600,96
Lewist P., Pine & Ariene J. Pine, hesbend & wife	\$80,000.00
Death R. Fix & Barbers J. Fix Trustees of the Daniel K. Fix & Barbers J. Fix Pamily	\$250,000.00
Trust Anne Flaggy, an unmarried women Dennis Flag Trustee of the Dennis Filer, inc. Defined Benefit Trust dated 6/20/27	•
Dennis File: Trustee of the Dennis Filer, inc. Defined Benefit Trust dated 6/29/27	\$50,000.06
David Research Schools and Decimes Cities, and Decimes Design Court Services	\$168,868.69 \$168,860.68
Devid Posset, Fringle men. Robert Geiger & Burger, husband & wife	\$168,000.00
Stanley C. Geringlia & Dorothy Germain, imshead & wife, as joint tenants with right of	\$50,000,60
SURVIVORADIO	\$50,000.00
Guie Gladstone-Kiez, Toustee of the Guie Gladstone-Katz Revocable Living Trust dained	\$58,600,00
12/10/03 ((%))	200/200/00
Barry J. Goldstein & Caritin B. Goldstein, as joint tenants with right of survivorship	\$50,000,00
Robin B. Graham & Cold Allen-Graham Trustees of the Graham Family Trust deem	\$180,000,00
10/26/78	5
Michael H. Graeley Traston of the Michael Greeley Trust deed 7/27/80	\$50,000.00
First Savings Beak Custodian Par Michael H. Greeky IRA	\$38,800.66
First Regional Bank Custodian Set Chyence J. Greenwald IRA #69003263337	370,000.00
Cim W. Grugory & Dubbie R. Claylery Trustees of the Grugory Pacelly Trust of 1942	\$50,000.00
	\$55,000,00
Edwin C. Hansen & Rachel M. Harting Joint tonants with right of survivocable	\$1,50,008.60
MLH Family Investment Limited, a Time/company	\$100,000.00
Christian Hansen, a single man Kurt Harms & Sandra Harms, husband & yells, as joint presents with right of survivorship	\$100,000.00
Kay J. Hart, on uningstied woman	330,000,00
Edwin L. Hausler, Jr., Treater for the Edwin Lowell Heusler, Jr. Living Trust dated	\$100,000.00
1/3/92	\$56,000.00
Kimberly Having Trustee of the Paeper Estate Trust deted 03/01/00	242.222.22
Michael T. Heffher & Barbara C. Hoffher Trustees of the Hoffher Family Trust dated	\$80,000.00
9/10/02	\$100,000.00
Helma Homes, LLC, a Neveda limited liability company	\$550,000.00
Terry Helms Trustee of the Terry Helms Living Trust detect 1/51/94	3140,400,00
Jay E. Hennan Trastes of the Jay E. Houman Retirement Plan	\$140,600.00 \$44,664.66 \$44,664.66
First Trust Co, Of Ossess Custoding for Hamilton M., High IRA	SKLASLIA
First Trust Co. Of Oraga Custodian For Brends J. High IRA	\$71,000.00
First Savings Bank gustoding for Shotile Hilgenberg IRA	\$50,000.86
Charles D. Hopson Trustee of the Charles D. Hopson Living Trest dated 2/20/96	\$140,000.00
Mila Horsk, an unmarried woman	\$50,000.00
Rodney C. Huise and Cethryn J. Huise, trustuse of the Huise Family Trust	\$30,000,00
Carole Jaffs In Trust For Kan M. Jaffs & Amy Jaffs-Roses Albert G. Johason Jr. & Norma J. Johnson Trustees of the Johnson Family Trust detect	\$50,000.00
	\$60,000.00
2/17/98 Everett H. Johnston Trustee of the Everett H. Johnston Family Trust deced 1/24/90	6144 246 45
Delbort T. Johnston, Jr. & Robecca J. Johnston Trustees of the Johnston Estate	\$169,066.60
Revocable Trust dated \$117/94	290,040,00
THE PROPERTY AND ADDRESS OF LAND.	

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NAME	Amount
Ronald A. Kantor and Ruth E. Kantor, Trustees of the Kantor Pamily Trust, dated 36/82	\$50,000.00
Aphert J. Kehl & Ruth Ann Kehl, husband & wife, as joint tonants with right of mindvership	\$3,000.00
Willer Klevey & Gail Klevey, husband & wife	354,000,00
Assay & Knobel Trustee of the 1996 Knobel Trust dated 9/5/96	\$56,000.00
Guidelle, A. Kohler & Elfriede Kohler Trustons of the 1989 Kohler Living Trust deted	\$200,000.00
Lammay Raiper, Jr. & Andrey H. Kuiper Trustons of the Kuiper Trust	156,000.00
Michael Farm & Joss LaTorre, busbeed & wife, as joint tenants with right of survivorship.	\$75,664.60
Jose M. Lenger & Gladys Lanzas, husband & with, as joint meants with right of assistantial Community	\$20,600,00
Suzanne Liewel Pristee of the Suzanne Liewer 2000 Revocable Trest dated 1/18/00	\$59,000.00
Verusio Solutions, LEC	\$73,400.00 ~
Brent C. Lyall and Leffey J. Lyall, humband and wife, as joint tenants with right of survivorship	\$50,000.00
Helen C. Makepence Transle of the Helen C. Makepence Survivor's Trust UAD 06/18/97	559,606.00
Tainre A. Manmed, a see Sell-Silbetman as her sole and separate property	\$33,000.00
Gilbert Manuel, Trustee of the Olibert Manuel Living Trust dated 1/3/92	257,564.66
TK & Associates, a Miscosoft Collegery	\$98,660,66
Dale J. McMullen Trusses of the Maddalian Living Trust dated 2/19/96 Rosemarie L. McMullin, as her segurate property under the Phillip E. McMullin &	
Rosemaris L. McMultin Family Trust dead 4/480 & managed 3/19/94 David R. McPherson & Summ McPherson & with right of	\$50,000.00
<u> </u>	\$50,000.00
Michaellan Holdings, LLC, a Nevada Highed liability company	\$50,000.00
Gary A. Michelsen, as unasseried man V	\$50,000.00
Monighetti, Ina., a Nevada corporation	\$50,000,00
Ronald E. Montesano Trustee for the benefit of The Underpase Trust	\$50,000.00
Frieds Moon Trustee of The Decedent's Trust of the Restated Moon 1967 Investable	339,000.00
Trust deted 6/12/87	250,000.00
Putla A. Morgan Trustee of the P. Morgan Trust dated 7/1/88	350,000.00
Lamaine Murray & Lois H. Murray, husband & wife, as joint mannix with right of survivoratio	\$20,000.00
Equity Trust Company Custodian For the Benefit of the Fred G. Neutral IRA	350,000,00
Duniel D. Newman Treates of the Deniel D. Newman Trust dated 11/1/92	\$78,000.00
Richard A. Nielsen Incorporated Profit Staring Plan	5100,000,00
Robert L. Ogren Trustee for the benefit of the Robert L. Ogren Trust dated 6/30/92	340,000,00
David M. Olds & Sally W. Olds, heeband & wife, so joint tenants with right of marrivorship.	\$50,000,00
Adrian J.R. Costhuizen, a magried man dealing with his sole & separate property	C40 004 05
William J. Ovca, Jr. Trustee of the Ovca Associates, Inc. Defined Pension Plan	250,000,00 36,000,002
Jiaguiu Jeson Pan, a married man dualing with his sole & separate property	\$130,000.00
Cynthia Ann Pardee Trustee of the Cynthia Ann Pardee Trust dend 6/20/03	550,000.00
Charles Lebron Parker & Mary Jane Parker, husband & wife, as joint tenants with right of survivership	\$58,040.00
Mojave Canyon, Inc., a Nevada Corporation; J.B. Partale, President	\$1,50,000,00

, name	Amount
Shimon Peress & Hannah Peress Trustees of the Shimon Peress & Hannah K. Peress Trust deted 4/17/01	254,000.00
Salay J. Phenix, a married woman dealing with her sole & separate property Sana L. Pidgeon Treates of the Karen L. Pidgeon 2006 Living Treat dend 2/27/2006	350,000.00
Kans L. Pidacon Trustee of the Kares L. Pidacon 2006 Living Trust dated 2/21/2006	\$146,401.00
Clieftes Follard Ir., a married men dealing with his solo & separate progesty	250,604.00
Morein J. Port. a merried man dealing with his sole & separate property	\$40,000,00
Proper Investments, LLC a Nevach Company, Anthony Prescie and Nancy Prescie.	\$75,604.00
Alexander R. Rayment & Maria A. Rayment	324,000.00
Erell Résidule & Area Reysolds, husband & with First Seviller Rapk Custodian For Manual G. Rice DRA	359,360.00
Pirst Seving Rook Costedian For Massacl G. Rice IRA	\$30,000.00
Larry L. Rieger & Putsy R. Rieger Treasure of the Larry L. Rieger & Putsy R. Rieger	\$120,000.00
Revocable Trustalesed 8/14/91 Harvey Andrew Rinner III Trustee for the Harvey Andrew Rinner III Trust UTA dated	558,000.00
11/15/02 Cassendra J. Robbing on unsuerried women	330,000.00
Alan Robinson & Gell Robinson, husband & wife, as joint tenants with right of	\$100,000.00
Eleanor L. Rogers Truster of the Eleanor L. Rogers 1991 Revocable Living Trust dated	\$200,000.00
7/3/91 Stuart M. Rosenstein & Delegah H. Rosenstein, humband and wife as John tenants with	350,000.00
rights of survivorship	24 444 489
Lee Resalty Trustee of the Lee Signify-Trust detect 12/5/00 Richard J. Ryan Trustee of the Right 1999 Revocable Living Trust dened 1 (/15/99	\$80,600.04 \$50,600.00
Burton M Sack Trustee of the Scott Actack Irrevocable Trust dated 3/11/94	51,59,000,69
Burton M Sack Trustee of the David A Sack Invercebbs Trust dated 3/20/94	
Devid Sailos & Jose Sailos, hasband & wife, so joint seconds with right of survivorable	\$100,000.00 \$80,000.00
Howard Senson & Vera Samoon, husband of with, as joint tenants with right of	\$50,000.00
survivorship Julius Schmidt Transes of the Schmidt Femily-Front	00.000.00
Dayld W. Schroeder, a single man	\$30,660,06
Douglas Gregg Schulze & Doress L. Scholze, husband & wife, as joint tenants with	\$80,000.00
right of survivorship Milton B. Senfeld & Barbara A. Senfeld, humband & wife, as joint tenants with right of	220,000,00
Sarvivorship David W. Sexton & Pamela K. Saxton, husband & wife, as joint towards with right of	90,000,002
survivorship Marion C. Sharp Trustee of the Marion C. Sharp Trust	\$\$0,000.00
Ronald Sharee, a storia must	\$15,000,00
/ Mollie Shoichst, a married woman & Henrista Aronson, a married woman, as joint	\$100,000.00
Donald E. Shoup & Sheron K. Shoup, husband & wife, as joint tenants with right of	\$100,000.00
Survivorship Alan R. Simmons & Judith B. Simmons, hosband & wife, as joint tenants with right of	\$50,000.00
survivorship Bernerd Sindler Trustee of the B S Living Trust	\$50,000,00
Bernard Sindler Trustee of the B S Living Trust Tare Sindler, dealing with her sole and separate property	\$30,000.00
	350,000.00
Francesco Soro Clifton H. Spindle & Verna R. Spindle, hasband & wife, as joint tenants with right of	\$38,000.00
CHARLET CALLIFE & Verse R. Snindle, Bushend & With 24 Joint tenants with most of	

HPA-Clear Lake

NAME	Amoug
Bert A. Stevenson Trustee of the Delton Trust dated 1/1/94	\$100,000.00
Michael D. Stowart & Many Jude Stowart Trustees of the Stewart Family Trust dated	\$1,00,000.00
Herold Sturze, an unexerried man transfer on death to Elyse Seserting, a married woman	\$50,000.00
Varias C. Swilley, as unmerried mass	250,000.00
KTaghirGO Investments, LTD, a Texas company	\$100,000.00
Evelop(S. Taylor Trustee of the Evelop C. Taylor Separate Property Trust dated 2/17/87	\$100,000.00
First Savings Bank Controlles For Jacqueline Thurmond RA	534.004.60
Signatur D. Tomozzić & Diana Tomozzić Trustees of the Tomozzić Family Trust dated 4/25/83	\$75,000.00
Richard R. Trustee of the Rese Aerosautical Corporation Defined Bonefit Retirement San	\$75,000.00
Richard R. Trees. Ursula W. Tracy, instead & wife, as joint meants with right of survivorship	\$50,000.00
Carlos A. Trujillo Antigle men	5120,000,00
Pensoo Trust Combinations. Custodian For Robert William Ulm IRA	\$\$3,000.00
USA Commercial Risk State Group USA Capital Diversiding State Dood Pand	390,800.60
USA Capital Diversiting Plant Deed Fund	\$ 31,444.64
Gloria Valetr, a single widther	350,000.00
Lloyd F. Van Siekle Trucke of the Van Siede Family Trust deted 5/20/99	\$104,000,00
Melody J. Violet, an unmarified Woman. Madeline P. Von Tagen Trusker of the Von Tagen Trust dated \$/2/96	
Madeline P. Von Tagen Treath With Von Tagen Trust dated \$/2/96	\$0,000.00
Heinrich Richard Weber & Bright L. Weber, husband & wife, as joint tenants with	\$1,50,666.00
right of survivorship Diana F. Welland Trustee for the bound; of Gerald R. Weiland & Diana F. Weiland Trust	\$\$0,000.00
First Savings Bank Custodian for Tina AL/Wester IRA	\$50,000.00
Contain Westbrook, an unsmerred wormer	350,000.00
First Savings Bank Custodian for Tinight/Wener IRA Connie Westbrook, an unmarried wongs Berton R. Wilkinson & Disans J. Wilkinson fusband & wife, as joint tenants with the right of survivorship	570,000.80
SURING NATURAL TURNES OF THE MINER LEWIS TURN	3190,000,00
Prederick P. Windlech Trustee of the Windlech 1998 Living Trust	350,440.04
LK Wolfe Femily, LP, a Novada limited permership	9,000.00
Kerneth H. Wyatt & Phyllis P. Wyatt Transce of The Kerneth H. & Phyllis P. Wyatt Pamily Trust	\$50,000.00
Joseph G. Zappulla & Carol A. Zappulla, husband & wife, as joint tenants with right of survivorship	\$100,000,00
Anthony J. Zerbo, an unmarried man	\$50,000,00
Terry A. Zimmerman Trustee of the Terry Audbrey Zimmerman Living Trust dated. 9/4/90	\$180,000.00
Exhiba 'A' for 106 people with a total S wahm of	\$16,050,000,00

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USA Commerical Mortgage Company ("USA")

as Loan Servicing Agent for HFA- Clear Lake

1/19/2005 - 4/12/2006

THIS STATEMENT REFLECTS THE STATUS THROUGH THE BANKRUPTCY PETITION DATE. CURRENT STATEMENTS WILL BE MAILED TO YOU SOON.

First Savings Bank Custodian For Arthur I. Kriss IRA It APPEARS As though this was a Non-pertaining low when I subscribed. Vesting Name: ARTHUR I KRISS IRA Address: C/O FIRST SAVINGS BANK CUSTODIAN 2398 W 1050 N HURRICANE, UT 84737-3110 Client ID: 1418 Performance Evaluation: Non-Performing \$50,000 1. Original Principal Investment 2. Principal Investment Assigned Out \$50,000 3. Net Principal Investment \$0 4. Principal Payments Made by Borrower to USA 5. Principal Payments Remitted by USA to Lender 6. Principal Payments Unremitted by USA to Lender \$0 7. Interest Paid to USA by Borrower, net of service fee \$0 8. Interest Remitted or Advanced by USA to Lender 0 9. Interest Due to (from) Lender 10. Unremitted Principal held in Collection Account 11. Interest Due to (from) Lender 0 \$0 12. Net Amount Currently Due to (from) Lender \$0 13. Unremitted Principal not held in Collection Account \$400 14. Interest Unpaid to USA by Borrower, net of service fee

* Undetermined at Filing

The interest amounts assume a simple interest calculation.

This statement is provided for information purposes only and is intended for the sole benefit of the named vested party. This statement is not intended to represent a loan payoff quote. USA reserves the right to update and supplement this statement.

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